

May 9, 1953

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ARIZONA ATTORNEY GENERAL

Dr. Robert Nugent
Vice President
University of Arizona
Tucson, Arizona

RE: Section 5, Senate Bill 115,
Chapter 59, Laws of 1953.
Appropriation for the Western
Regional Compact for Higher
Education

Dear Dr. Nugent:

Upon the request of Dr. D. W. Melick, the Secretary for the Arizona Members of the Western Interstate Commission for Higher Education, an interpretation of Section 5 of Chapter 59 of the Laws of 1953, is contained herein. Section 5 of said chapter is as follows:

"Sec. 5. Appropriation. The following sums are appropriated, to be expended during the forty-first and forty-second fiscal years, for the administration of this Act, the expenses of the commission and the payment of tuition for students qualifying and accepted as provided herein, to-wit: Expenses of the Arizona members of the commission, four thousand eight hundred dollars (\$4,800.00); contribution by the state of Arizona to the general expenses of the commission, seven thousand dollars (\$7,000.00); tuition for medical students, thirty-seven thousand five hundred dollars (\$37,500.00); tuition for dental students, nine thousand six hundred dollars (\$9,600.00); tuition for veterinary students, six thousand dollars (\$6,000.00)."
(Emphasis supplied)

It will be noted that the appropriation is for the forty-first and forty-second fiscal year. The forty-first fiscal year ends on June 30, 1953. The appropriation, by Section 6 of the said Chapter 59, is exempted from the provisions of the Arizona Code relating to lapsing appropriations. There is also contained

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in said Chapter 59 an emergency provision making it effective on March 25, 1953. Considering these factors, it follows that it was the legislative intention that the money be available for the balance of this fiscal year and for the fiscal year ending June 30, 1954. As there is no directive that said funds be allocated to any of the two fiscal years and considering the time element, it is the opinion of this office that it is left to the commission the discretionary power to expend the money in either of the two fiscal years. This opinion is further substantiated by the fact that the commission is embarking upon a new program and would not be able, in all probability, to expend one half of the funds before the close of this fiscal year, and it is presumed that the Legislature was aware of this.

In summary, the commission may expend the sums appropriated under Chapter 59, Laws of 1953, in either the forty-first or forty-second fiscal year.

Yours very truly,

JMM:GC

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